

EXHIBIT E

THE EASTERN CARIBBEAN SUPREME COURT
IN THE HIGH COURT OF JUSTICE
VIRGIN ISLANDS
COMMERCIAL DIVISION



CLAIM NO. BVIHC (COM) 221 of 2017

THE BVI INSOLVENCY ACT, 2003 (AS AMENDED)

AND

IN THE MATTER OF PERFORMANCE INVESTMENT PRODUCTS CORPORATION AND
OTHERS

BETWEEN:

STUART CHARLES EDWARD MACKELLAR

Applicant

-and-

- 1) PAUL LEWIS PRETLOVE
- 2) RODERICK JOHN SUTTON
- 3) HEI FOK YU VINCENT
- 4) MARIA MECHELLE FERERE
- 5) LAU WU KWAI KING LAUREN
- 6) JOHN BATCHELOR
- 7) BRUNO ARBOIT

Respondents

ORDER

BEFORE: The Honourable Mr. Justice Adderley

DATED: 9 March 2018

ENTERED: 9th March 2018

UPON THE ORIGINATING APPLICATION filed by the Applicant on 15 December 2017 ("**Application**"), seeking to be substituted, removed, released and/or replaced as a liquidator, a receiver and/or a supervisor as the case may be, pursuant to sections 186 and/or 187, sections 122 and/or 123, section 235 and sections 41 and/or 42 of the BVI Insolvency Act, 2003 (as amended) (the "**Act**") and/or the inherent jurisdiction of the Court, coming on for hearing.

AND UPON THE COURT TAKING NOTICE of Schedules 1 to 8 in the Appendix to this Order, the forms of consent provided by the Respondents and the fact of notification given to the Financial Services Commission.

AND UPON HEARING Mr Jerry Samuel, of Counsel of Conyers Dill & Pearman for the Applicant and no appearances for the Respondent.

AND UPON READING the following documents:

- a) The Originating Application filed on 15 December 2017;
- b) Affidavit of Paul Pretlove and Exhibit "PLP-1" filed on 15 December 2017;
- c) Affidavit of Stuart MacKellar filed on 21 December 2017;
- d) Second Affidavit of Paul Pretlove and Exhibit "PLP-2" filed on 8 January 2018;
- e) Third Affidavit of Paul Pretlove and Exhibit "PLP-3" filed on 31 January 2018;
- f) Fourth Affidavit of Paul Pretlove and Exhibit "PLP-4" filed on 1 February 2018; and
- g) Fifth Affidavit of Paul Pretlove and Exhibit "PLP-5" filed on 16 February 2018.

IT IS HEREBY ORDERED THAT:

- 1) In relation to each of the companies in liquidation listed in Schedules 1 and 2 of the Appendix, Mr Paul Pretlove shall be appointed as Liquidator thereof in the place of Mr Stuart Mackellar.
- 2) In relation to each of the companies in liquidation listed in Schedules 3 and 6 of the Appendix, Ms Angela Barkhouse shall be appointed as Liquidator thereof in the place of Mr Stuart Mackellar.
- 3) In relation to each of the companies in liquidation listed in Schedule 4 of the Appendix, Ms Tammy Fu shall be appointed as Liquidator thereof in the place of Mr Stuart Mackellar.
- 4) In relation to each of the companies under joint supervision listed in Schedule 5 of the Appendix, Mr Paul Pretlove shall be appointed as a Joint Supervisor thereof in the place of Mr Stuart Mackellar.
- 5) In relation to each of the companies in receivership listed in Schedule 7 of the Appendix, Mr Paul Pretlove shall be appointed as Receiver thereof in the place of Mr Stuart Mackellar.
- 6) In respect of the company listed in Schedule 8 of the Appendix, the Applicant shall be removed as Liquidator and released from his obligations in that capacity, without the appointment of a substitute in his stead.
- 7) The Applicant shall as soon as practicable:

- a) In respect of each of his appointments which were made by the Court, file a copy of this Order (redacted, as appropriate, to remove references to other entity names) on the Court file in each action in which he was appointed;
 - b) In respect of each of his appointments which were not made by the Court, deliver a copy of this Order (redacted, as appropriate, to remove references to other entity names) to the person or persons who appointed him; and
 - c) Advertise the terms of this Order in the Official Gazette of the Territory of the Virgin Islands and in any other newspapers which appear to him to be appropriate.
- 8) Such further order as the Court thinks fit.

By the Court



Dr Registrar

Schedule 4

Companies where liquidators appointed by Court and substitution by Tammy Fu is sought

<u>Court No.</u>	<u>Company Name</u>	<u>Liquidator leaving</u>	<u>Liquidator remaining</u>
163/2009	Kingate Euro Fund Limited	Stuart Mackellar	Paul Pretlove
164/2009	Kingate Global Fund Limited	Stuart Mackellar	Paul Pretlove